

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE BANK OF NEW YORK MELLON,)	Case No.: 11-CV02761-LHK
)	
Plaintiff,)	ORDER ADOPTING REPORT AND
v.)	RECOMMENDATION TO REMAND
)	TO SANTA CLARA COUNTY
MERLITA LAVARIAS,)	SUPERIOR COURT
)	
Defendant.)	

On June 24, 2011, the Honorable Magistrate Judge Howard R. Lloyd made a report and recommendation to remand this case for lack of subject matter jurisdiction. *See* June 24, 2011 Report and Recommendation [dkt. #4]. The Report and Recommendation noted that this unlawful detainer action does not arise under federal law and does not satisfy the amount in controversy requirement for diversity. *See id.* at 2-3.

This matter was transferred to the undersigned on June 27, 2011. No objections have been filed, and the time to file objections has expired. Having reviewed the Report and Recommendation, as well as the record in this case, the Court finds that the Report and Recommendation is well-founded in fact and in law and, therefore, the Report and Recommendation is adopted in its entirety.

Accordingly, this action is REMANDED to Santa Clara County Superior Court.

IT IS SO ORDERED.

Dated: August 5, 2011



LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California